

## HOUSE BILL NO. 163

INTRODUCED BY B. OLSON

BY REQUEST OF THE STATE LIBRARY COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING THE DEFINITION OF "STATE PUBLICATIONS" AND THE DEPOSITION OF STATE PUBLICATIONS; CREATING A STATE PUBLICATIONS LIBRARY PROGRAM; ESTABLISHING PERMANENT PUBLIC ACCESS TO PUBLICATIONS; AMENDING SECTIONS 22-1-211, 22-1-212, 22-1-213, 22-1-214, 22-1-215, 22-1-216, AND 22-1-218, MCA; AND REPEALING SECTION 22-1-217, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 22-1-211, MCA, is amended to read:

**"22-1-211. Definitions.** As used in this part, the following definitions apply:

~~(1) "Print" includes all forms of printing and duplicating, regardless of format or purpose, with the exception of correspondence and interoffice memoranda.~~

~~(2)(1) "State agency" includes every state office, officer, department, division, bureau, board, commission, and agency of the state executive, legislative, and judicial branches, including the university system, and, where when applicable, all subdivisions of each.~~

~~(3)(2) "State publication publications" includes any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, book, proceedings, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical, or magazine issued in print or purchased for distribution by the state, the legislature, constitutional officers, any state department, committee, or other state agency supported wholly or in part by state funds. means those public records defined in 2-6-202 that are informational matter produced for public distribution regardless of format, method of reproduction, or source or copyright and originating in or produced with the imprint of, by the authority of, or at the total or partial expense of any state agency."~~

**Section 2.** Section 22-1-212, MCA, is amended to read:

**"22-1-212. Creation of ~~distribution center~~ state publications library program -- rules.** ~~There is~~

1 hereby created, as a division of the state library and under the direction of the state librarian, a state publications  
2 library distribution center. The center shall promote the establishment of an orderly depository library system.  
3 To this end the state library commission shall make such rules necessary to carry out the provisions of this part.

4 (1) The state library shall administer a state publications depository library program. The state library commission  
5 shall adopt rules necessary to carry out the provisions of this program.

6 (2) The state library shall identify, collect, catalog, distribute, preserve, and make available to the public  
7 state publications, regardless of format. Public access to publications may be accomplished by use of the  
8 depository library facilities throughout the state. Public access to digital documents will be provided through  
9 electronic media and through an electronic network.

10 (3) The state library will maintain an online catalog providing free access through an electronic network  
11 to records of state publications, regardless of format."

12  
13 **Section 3.** Section 22-1-213, MCA, is amended to read:

14 **"22-1-213. State agency publications to be deposited in state library -- interlibrary loan -- sale**  
15 **publications.** Every state agency shall deposit upon release ~~at least four copies of each of~~ its state publications  
16 with the state library for record and depository purposes. State publications must be provided within 10 working  
17 days of their release in the following manner:

18 (1) In the case of print publications, four copies must be deposited with the state library. Additional  
19 copies ~~shall~~ must also be deposited in quantities certified to the agencies by the state library as required to meet  
20 the needs of the depository library system and to provide interlibrary loan service to those libraries without  
21 depository status. Additional copies of sale publications required by the state library ~~shall~~ must be furnished only  
22 upon reimbursement to the state agency of the full cost of ~~such~~ the sale publications, and the state library shall  
23 ~~also~~ reimburse any state agency for additional publications ~~so~~ required ~~where~~ when the quantity desired will  
24 necessitate additional printing or other expense to ~~such~~ the agency.

25 (2) In the case of electronic-format publications, including those made available through an electronic  
26 network, an electronic copy or notification of publication of the electronic copy must be deposited with the state  
27 library in a form specified by the library."

28  
29 **Section 4.** Section 22-1-214, MCA, is amended to read:

30 **"22-1-214. Depository libraries -- eligibility.** The ~~center~~ state library shall enter into depository

1 contracts with any ~~municipal or county free~~ public library, state college or state university library, ~~the library of~~  
2 ~~congress, the midwest interlibrary center,~~ and other state libraries. The requirements for eligibility to contract as  
3 a depository library ~~shall~~ must be established by the state library commission upon recommendations of the state  
4 librarian. The standards ~~shall~~ must include and take into consideration the type of library, ability to preserve ~~such~~  
5 the state publications and to make them available for public use, and also ~~such~~ geographical locations ~~as that~~  
6 will make the state publications conveniently accessible to residents in all areas of the state."

7  
8 **Section 5.** Section 22-1-215, MCA, is amended to read:

9 **"22-1-215. Available publications.** The ~~center~~ state library shall publish and distribute regularly to  
10 contracting depository libraries and other libraries upon request a list of available state publications."

11  
12 **Section 6.** Section 22-1-216, MCA, is amended to read:

13 **"22-1-216. Current publications and permanent public access to publications.** Upon request by  
14 the ~~center~~ state library, issuing state agencies shall furnish the ~~center~~ state library with a complete list of their  
15 current state publications and a copy of their mailing and/or exchange lists. The state library shall coordinate with  
16 state agencies, depository libraries, or other entities to ensure permanent public access to state publications,  
17 regardless of format. The state library shall transfer all state publications older than 30 years to the Montana  
18 historical society, which shall determine which state publications are of permanent value to the state and should  
19 be preserved and protected as provided for in 22-3-203."

20  
21 **Section 7.** Section 22-1-218, MCA, is amended to read:

22 **"22-1-218. Exemptions.** This part does not apply to officers of or affect the duties concerning  
23 publications distributed by:

24 ~~(1) the state law library;~~

25 ~~(2)~~(1) the code commissioner in connection with duties under Title 1, chapter 11, as amended; and

26 ~~(3)~~(2) the legislative services division in connection with its duties under 5-11-203, as amended."

27  
28 NEW SECTION. **Section 8. Repealer.** Section 22-1-217, MCA, is repealed.

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